

Permission to Access the Route from the Landowner

At the time of submission the OMA has received one reply to correspondence requesting permission for the Inspector to access the land crossed by the Order route, this is included below. The OMA will update the Planning Inspectorate if further correspondence is received regarding permission for the Inspector to access the land.

From: [Jim Tozer](#)
To: [Moore, Simon](#)
Subject: Re: Dmmmo: Addition Of Footpath At Love Clough Fold From Public Footpath No. 1 To Public Footpath No. 9 R (5.53282)
Date: 01 April 2025 14:12:14
Attachments: [image001.png](#)
[Outlook-pmk5pphg.png](#)

Hi Simon,

No problem in someone coming to assess the land. May save a lot of time and tax payers money when they realise there has clearly not been a path there, if there ever was, for at least 30 years.

Jim Tozer
Director

T: 079689 14406

Check out the results of our latest [2023 Salary Survey](#)

[Linked In](#) | [Website](#) | [YouTube](#)



From: Moore, Simon <Simon.Moore@lancashire.gov.uk>
Sent: 01 April 2025 11:32
To: Jim Tozer <Jim@tozerassociates.com>
Subject: RE: Dmmmo: Addition Of Footpath At Love Clough Fold From Public Footpath No. 1 To Public Footpath No. 9 R (5.53282)

Hi Jim,

Your objection was duly received in 2018. No submission was made to the Planning Inspectorate at that time.

I shall raise the issue of point (v) with one of my senior colleagues who was involved with the file at the time. Submission documents will be available online from Monday and I shall provide you with a link so you can review these as soon as the web page goes live.

Please could you address the request for permission for the appointed Inspector to access the land in your ownership? It would be useful to have a response to this point before the order is submitted.

Kind regards

Simon Moore
Solicitor (Highways, Planning & Environment)
Legal Services
Lancashire County Council
01772 531280



Official copy of register of title

Title number LA631007

Edition date 05.10.2009

- This official copy shows the entries on the register of title on 31 MAR 2025 at 14:02:28.
- This date must be quoted as the "search from date" in any official search application based on this copy.
- The date at the beginning of an entry is the date on which the entry was made in the register.
- Issued on 31 Mar 2025.
- Under s.67 of the Land Registration Act 2002, this copy is admissible in evidence to the same extent as the original.
- This title is dealt with by HM Land Registry, Fylde Office.

A: Property Register

This register describes the land and estate comprised in the title.

LANCASHIRE : ROSSENDALE

- 1 (17.07.1981) The Freehold land shown edged with red on the plan of the above Title filed at the Registry and being 2 Clough Fold Barn, Loveclough Fold, Loveclough, Rossendale (BB4 8QT).
- 2 The land was formerly copyhold of the Manor of Accrington New Hold and the rights saved to the lord by the 12th Schedule of the Law of Property Act, 1922 are excepted from the registration.
- 3 The land has the benefit of the following rights reserved by but is subject to the following rights granted by a Transfer of land adjoining the westerly boundary of the land in this title dated 24 February 1989 made between (1) Kenneth Ainsworth and Stanley Ainsworth (Transferors) and (2) David Haworth Ashworth and Alison Jane Ashworth:-

TOGETHER with:- (i) A right of way over the yard hatched green on the said plan for the said purpose of access and egress from the property the Transferors and the Transferees each paying one half of the cost of laying block pavior in the said yard such work to be carried out within a period of two years from todays date and thereafter the Transferors and the Transferees each paying one half of the cost of repairing and maintaining the said yard

(iv) The right to enter on the adjoining property of the Transferors for the purpose of maintaining the wall of the property between the points marked A and B on the said plan subject to the Transferees making good any damage caused to such adjoining property

(v) The full right and liberty to tie and connect into the mains water and the electricity pipes and cables and sewers now laid or hereafter to be laid with the period of 80 years from the date hereof (which shall be the perpetuity period applicable thereto under the adjoining or neighbouring property of the Transferors and for the purpose of inspecting cleansing repairing and maintaining such last mentioned water and electricity parts and cables and sewers to enter upon the said adjoining or neighbouring property of the Transferors doing thereby as little damage as possible and making compensation for all damage done

.....
..

A: Property Register continued

RESERVING unto the Transferors and their successors in title the right to enter upon the property for the purpose of repairing and maintaining the gable wall between the points marked C and D on the said plan the Transferors or their successors in title making good all damage done to the property by reason of such entry

NOTE: Original filed under LA610929.

- 4 The land has the benefit of the rights of drainage and rights in respect of electricity supply services and ancillary rights granted by the Transfer dated 6 October 1989 referred to in the Charges Register.
- 5 The Transfer dated 6 October 1989 referred to in the Charges Register is expressed to grant rights of way.
- 6 The Transfer dated 6 October 1989 referred to in the Charges Register contains a provision as to boundary structures.
- 7 (28.07.1994) The land has the benefit of the following rights granted by the Transfer dated 18 May 1981 referred to in the Charges Register:-

"TOGETHER with the right of way with or without vehicles and animals and agricultural equipment over along and through the roadways forming part of Loveclough Printworks which are shown coloured brown on the said plan in order to provide access to the property hereby conveyed from Commercial Street aforesaid"

NOTE: Copy Filed.

B: Proprietorship Register

This register specifies the class of title and identifies the owner. It contains any entries that affect the right of disposal.

Title absolute

- 1 (05.10.2009) PROPRIETOR: JAMES RICHARD TOZER and DAWN KIMBERLEY TOZER of 2 Clough Fold Barn, Loveclough Fold, Loveclough, Rossendale, Lancashire BB4 8QT.
- 2 (05.10.2009) The price stated to have been paid on 11 September 2009 was £315,000.
- 3 (05.10.2009) The Transfer to the proprietor contains a covenant to observe and perform the covenants referred to in the Charges Register and of indemnity in respect thereof.

C: Charges Register

This register contains any charges and other matters that affect the land.

- 1 A Conveyance of the land in this title and other land dated 18 May 1981 made between (1) Tootal Limited (Vendor) and (2) John Bridge (Purchaser) contains the following covenants:-

"THE PURCHASER for himself and his successors in title hereby covenants with the Vendor and its successors in title for the benefit of the retained property not to carry out any work or commit any act which would interfere with or diminish the flow of water from the said reservoirs to the retained property or which would cause pollution to the water supply to the retained property PROVIDED that this covenant shall not prevent the Purchaser and his successors in title from continuing to have a supply of water to the farm buildings as heretofore enjoyed."
- 2 By the Conveyance dated 18 May 1981 referred to above, the in this title with other land was conveyed subject as follows:

"SUBJECT to all subsisting rights to the free flow of water and all other riparian rights in respect of the brook or stream running through

or adjacent to the property hereby conveyed and known as "Limy Water" and all other watercourses running through the property hereby conveyed."

.....
..

Except and Reserving unto the Vendor and its successors in title in respect of the adjoining property known as Love Clough Printworks aforesaid (hereinafter called "the retained property") of the right to a supply of water through all existing outlets sluices weirs channels and pipes from the four reservoirs situate on the property hereby conveyed such reservoirs being shown on the said plan and being thereon marked "water" and numbered respectively 1448 2344 9229 and 9456 Together with a right of access over the property hereby conveyed for the purpose of operating the said sluices and any other machinery or equipment on the property hereby conveyed which control the supply of water to the retained property and also the right of entry for the purpose of inspecting maintaining repairing and/or renewing such sluices or machinery or equipment and the outlets channels and pipes conveying the water to the retained property Subject to the Vendor or its said successors in title making good to the satisfaction of the Purchaser any damage causing in the exercise of any such rights."

NOTE: The reservoirs referred to lie to the north east, north west and south west of the land in this title.

- 3 The land is subject to the following rights granted by a Transfer of land lying to the north west of the land in this title dated 2 August 1989 made between (1) Kenneth Ainsworth and Stanley Ainsworth (Vendors) and (2) Harry Aspin and Marie Colette Aspin:-

TOGETHER with the right (in common with the Vendors and all persons authorised by them) at all times and for all purposes to pass and repass with or without vehicles over and along the road way coloured yellow on the said plan subject to the payment of a proportionate part according to user of the cost of installing repairing and maintaining such roadway PROVIDED that if Rossendale Borough Council will not agree the line of the roadway coloured yellow then the Vendors will grant to the Purchasers such right of roadway as shall be approved by the said Council AND TOGETHER with the like right of way over the continuation of such roadway shown coloured pink on the said plan subject to the payment of one quarter of the cost of installing maintaining and repairing the same AND TOGETHER ALSO with the full right and liberty to tie and connect into the mains water and electricity pipes and cables and sewers now laid or hereafter to be laid within the period of 80 years from the date hereof (which shall be perpetuity period applicable thereto) under the adjoining or neighbouring property of the Vendors or their successors in title and for the purpose of inspecting cleansing repairing and maintaining such last mentioned water and electricity pipes and cables and sewers to enter upon the said adjoining or neighbouring property of the Vendors or their successors in title doing thereby as little damage as possible and making compensation for all damage done.

NOTE: Original filed under LA630998.

- 4 The land is subject to the rights granted by a Transfer of land lying to the north of the land in this title dated 2 August 1989 made between (1) Kenneth Ainsworth and Stanley Ainsworth (Vendors) and (2) John Stanworth and Mary Stanworth which rights are in identical terms to those contained in the Transfer dated 2 August 1989 referred to above.

NOTE: Original filed under LA631006.

- 5 A Transfer of the land in this title dated 6 October 1989 made between (1) Kenneth Ainsworth and Stanley Ainsworth and (2) Thomas Richard Alan Lawrence Rimmer and Elaine Margaret Rimmer contains restrictive covenants.

NOTE: Copy filed.

- 6 The land is subject to rights of drainage and rights in respect of water and electricity supply services and ancillary rights of entry.

- 7 (05.10.2009) REGISTERED CHARGE dated 11 September 2009.
- 8 (05.10.2009) Proprietor: NATIONWIDE BUILDING SOCIETY of Nationwide
House, Pipers Way, Swindon L SN38 1NW.
- 9 (05.10.2009) The proprietor of the Charge dated 11 September 2009
referred to above is under an obligation to make further advances.
These advances will have priority to the extent afforded by section
49(3) Land Registration Act 2002.

End of register

| | | | | |
|-----------------------------------|------------|--------------|------------------|-------------------|
| H.M. LAND REGISTRY | | TITLE NUMBER | | JL 7i |
| | | LA | 1 0 | |
| ORDNANCE SURVEY PLAN REFERENCE | SD 812 7 | | Scale 1/2500 | |
| COUNTY | LANCASHIRE | | BURNLEY DISTRICT | © Crown Copyright |

T boundary shown by dot. It has been
plotted from the original plan, and may
be corrected from later survey information.

NOTE: AREAS ON THIS PLAN ARE EXPRESSED
IN ACRES AND SQUARE METERS.

